

REMARKS

Claims 1, 3-8, 10-14, and 16-21 are pending in the application. Claims 1, 3-5, and 20 are allowed. Applicants appreciate the notification of allowance of the claims by the Examiner.

In the Final Office Action, the Examiner rejected claim 10 due to a minor informality. Claim 10 has been amended to improve form only, and the ground for the rejection should be obviated.

The Examiner also rejected claims 6 and 21 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 6 and 21 have been amended to improve form and are believed to comply with the requirements under 35 U.S.C. § 112, second paragraph. Therefore, the rejection of claims 6 and 21 under 35 U.S.C. § 112, second paragraph should be withdrawn.

In the Final Office Action, the Examiner rejected claims 7, 12, and 15 under 35 U.S.C. § 103(a) as being unpatentable over the German reference of record in view of European Patent Application No. 867,315 to *Ishikawa*. The Examiner also rejected claims 13, 16, and 21 under 35 U.S.C. § 103(a) as being unpatentable over the German reference in view of European Patent Application No. 867,315 to *Ishikawa*, and further in view of U.S. Patent No. 5,149,131 to *Sugasawa et al.*

In the Final Office Action, the Examiner objected to claims 8-11, 14, and 17-19 as being dependent upon a rejected base claim, but stated that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully traverse the above rejections. To advance the prosecution of this case, however, Applicants have incorporated the subject matter of

claim 9 into claim 7 and the subject matter of claim 18 into claim 15. Therefore, the rejection of claims 7, 12, and 15 and the rejection of claims 13 and 16 under 35 U.S.C. § 103(a) should be withdrawn and the claims should be allowed. Claims 8 and 10-14 depend from claim 7, and claims 16, 17, and 19 depends from claim 15, and those claims should be allowed at least for their dependency from claim 7 or claim 15.

Furthermore, claim 21 has been amended and recites a damping system including, among other elements, a restricted fluid passageway having an orifice, a valve mechanism disposed between the first fluid line and the second fluid line and operable to release fluid from one of the first and second fluid lines when the pressure of the fluid in the one of the first and second fluid lines reaches a predetermined level, and a control mechanism operatively engaged with the valve mechanism to change the predetermined level depending upon operating conditions. None of the cited references teaches or suggests a damping system recited in claim 21.

Therefore, the rejection of claims 7, 12, and 15 and the rejection of claims 13, 16, and 21 under 35 U.S.C. § 103(a) should be withdrawn and the claims should be allowed. Claims 8 and 10-14 depend from claim 7, and claims 16, 17, and 19 depends from claim 15, and those claims should be allowed for at least their dependency from claim 7 or claim 15.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing all of the claims in the application in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent

in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the Final Office Action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

A handwritten signature in black ink, appearing to read 'Naoki Yoshida', is written over the printed name of the law firm.

Dated: June 24, 2004

By: Naoki Yoshida
Reg. No. 48,108